

REMARKS

Claims 1-36 are pending. Claims 1 and 21 have been amended herein to clarify the claimed subject matter. Reconsideration and allowance of the subject application is respectfully requested.

35 U.S.C. §112

The Examiner rejects 1, 2, 13, 17, 21, 27, and 32 under 35 U.S.C. §112, First Paragraph. Examiner indicates that the comparing step such as “comparing the authorized resources with the assessment to identify one or more resources authorized but not installed on the computer system” is not supported in the specification. The applicant respectfully disagrees.

Applicant provides the following passage from the specification which clearly supports the disputed claim language.

In block 708, control logic 402 identifies zero or more resources which require installation, configuration and/or reconfiguration on the computing system based, at least in part, on the report received from identification and characterization function 406. More particularly, control logic 402 compares the received report against the authorized and available resources associated with the computing system in data structure 408 to identify needed resources for the computing system. *Specification, p. 20 paragraph 2; FIG. 7.*

Thus, adequate support exists for the claim language. Additional support as previously submitted may be found at least in FIG. 8 and the corresponding discussion beginning on p. 21. For instance, at least the following except from page 21 provides supports:

1 In response, configuration agent 14 locates the identifier
2 within data structure 408 (not shown) and identifies an
3 authorized configuration for computing system 18A.
4 Identification and characterization function 406 is invoked to
5 assess the resources of the computing system, providing
6 control logic 402 with the results of such assessment.
7 **Control logic 402 compares the authorized resources**
8 **against the assessed resources to identify limitations in the**
9 **current capability of computing system 18A, and accesses**
10 **a local network data store 16A and/or an Internet data**
11 **store 16N to collect the resources.** Once collected,
12 configuration agent 14 downloads, installs and configures
13 the resources on the computing system 18, as necessary. In this
14 manner, **a computer system is automatically configured**
15 **with all authorized and available resources** (including
16 configuration and personalization settings) automatically and
17 without the assistance of a computing technician.
18 *Specification, p. 21(emphasis added).*

19 Further, a configuration agent is described on p. 12 -13 as follows:

20 As introduced above, upon receiving an indication associated
21 with a computing system (e.g., 18) or computing system user,
22 configuration agent 14 in cooperation with configuration
23 interface 308 assess the hardware and/or software resources
24 available on the computing system. **Based, at least in part**
25 **on the assessment, configuration agent 14 identifies**
needed resources and/or configuration/personalization
information, and downloads and installs the identified
resources to enhance the operational capability of the host
computer. In this regard, configuration agent 14 and
configuration interface 308 facilitate the automatic
configuration and personalization of any of a number of host
computing systems. *Specification, p. 12-13 (emphasis*
added).

Regarding claim 2, applicant refers the Examiner to p. 11, second
paragraph ~ p.12 first paragraph, which generally discusses providing a computer
without any resources preinstalled. Further, reference is made to the Examiner's
Interview Summary of 2/23/2006 where on page 3, the Examiner discusses theses
portions of the specification and suggests that the art of record fails to disclose the
presently recited aspects. Thus, adequate support may be found in at least these
excerpted portions as well as throughout the specification and drawings as filed.

Claims 1, 2, 13, 17, 21, 27, and 32 satisfy the requirement of U.S.C. §112, First Paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

35 U.S.C. §102 (e)

Claims 1-36 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,151,643 to Cheng et al. (hereinafter "Cheng"). Applicant respectfully disagrees.

Cheng describes a system and method to "update client computers of various end users *with software updates for software products installed on the client computers*, the software products manufactured by diverse, unrelated software vendors (emphasis added). *Cheng, Abstract*. Further, Cheng describes that "a service provider computer system stores in an update database information about the software updates of the diverse software vendors, identifying the software products for which software updates are available". Client computers connect to the service provider computer to "obtain a current version of portions of the database". Then, the client "determines that software products stored thereon, and using this information, determines from the database, which products have updates available". *Cheng, Abstract*. Thus, Cheng is directed to software updates for software products which are installed on a client. Further, per Cheng it is the client itself which downloads data regarding available updates, determines which software is installed on the client, and determines which products are available.

For the reasons that follow, Claims 1-36 satisfy the requirements of §102. Accordingly, the Applicant respectfully requests that the §102 rejection of claims 1-36 be withdrawn. For example:

1 **Claim 1** has been amended and as amended (portions of the amendment
2 appear in bold italics) recites a method comprising:

- 3 • maintaining, on a server for each of a plurality of computing systems, data
- 4 specifying which resources are authorized for the computing system;
- 5 • receiving ***by a configuration agent at the server*** an identifier associated
- 6 with a computing system and/or computing system user, ***the configuration***
- 7 ***agent:***
 - 8 ○ ***obtaining, from the server,*** data that specifies authorized resources
 - 9 ***corresponding to the received identifier;***
 - 10 ○ interrogating the computing system to produce an assessment
 - 11 indicating existing hardware and/or software resources available on
 - 12 the computing system;
 - 13 ○ comparing the authorized resources with the assessment to identify
 - 14 one or more resources authorized but not installed on the computing
 - 15 system; and
 - 16 ○ automatically modifying the computing system resources by
 - 17 installing the one or more identified resources.

18 Claim 1 has been amended to clarify that aspects of the recited method occur
19 via “a configuration agent at the server” to distinguish over the client-based
20 techniques described in Cheng. Support for this amendment may be found
21 throughout the specification and drawings as filed, one example of which is
22 configuration agent 14 at server 12 as depicted in FIG. 1. Thus, Cheng fails to
23 disclose, teach, or suggest all the recited features of claim 1 as presently recited.
24 Applicant asserts that Cheng, fails to disclose at least “maintaining, on a server for
25 each of a plurality of computing systems, data specifying which resources are
authorized for the computing system”, “receiving by a configuration agent at the
server an identifier associated with a computing system and/or computing system
user,” “the configuration agent: obtaining, from the server, data that specifies

1 authorized resources corresponding to the received identifier”, “the configuration
2 agent: . . . interrogating the computing system to produce an assessment indicating
3 existing hardware and/or software computing system resources available on the
4 computing system”, “the configuration agent: . . . comparing the authorized
5 resources with the assessment to identify one or more resources authorized but
6 not installed on the computing system”, and “the configuration agent: . . .
7 automatically modifying the computing system resources by installing the one or
8 more identified resources” as recited in claim 1.

9
10 For instance, Cheng describes repeatedly techniques for software updates for
11 **installed products** and limits itself to analysis performed by a client application at
12 the client as the following excerpted portion makes clear:

13
14 The client application 104 then analyzes 204 the client
15 computer 101 to determine **a list of installed software**
16 **products**. The list of installed software products typically
17 includes applications, system utilities, drivers, and other
18 executables or resources. These software products will
19 typically be from numerous diverse software vendors, a
20 number of whom will maintain software vendor computers
21 103 on the network 106.

22 **For each of the installed software products on the list, the**
23 **client application 104 determines 205 if there is an**
24 **applicable, or relevant update for the software product.**
25 This determination is made in consultation with the service
provider computer 102, which maintains, as further described
below, a database including a list of available software
updates for numerous software products of diverse software
vendors. *Cheng, Col. 7 line 46-61.*

1 Thus, in Cheng a client produces a list of installed products and for each **installed**
2 product “determines 205 if there is an applicable, or relevant update for the
3 software product”. However, Cheng is silent on identification or determinations
4 made for uninstalled products, such as “comparing the authorized resources with
5 the assessment to identify one or more resources authorized but not installed on
6 the computing system” as recited in claim 1. Cheng is simply not directed to
7 identification, analysis, installation and so forth of “one or more resources
8 authorized but not installed on the computing system” as recited in claim 1.
9 Cheng as noted is directed to updates performed on existing and installed
10 resources of clients. Cheng is limited by its own disclosure to software updates,
11 such as changing to a new version. This is not equivalent to “resources authorized
12 but not installed on the computing system” as recited in claim 1. Accordingly,
13 Cheng does not anticipate claim 1 for at least this reason.
14

15 Further, per the above excerpted portion, the analysis by the client application
16 in Cheng takes place at the client. In contrast, claim 1 presently recites “receiving
17 by a configuration agent at the server” and “the configuration agent: obtaining,
18 from the server, data the specifies authorized resources . . . interrogating the
19 computing system to produce an assessment ...comparing the authorized resources
20 with the assessment to identify one or more resources authorized but not installed
21 on the computing system; and automatically modifying the computing system
22 resources by installing the one or more identified resources”. This further
23 distinguishes claim 1 from the client-based techniques of Cheng. In fact, Cheng
24
25

disparages analysis performed by the server (e.g., service provider) as the following excerpted portion makes clear:

In the preferred embodiment, the analysis 204 is preferably performed by the client application 104 on the client computer 101. This reduces the network bandwidth required, and the potentially unreliability of non-stateless remote procedure call implementations by having the service provider computer 102 perform the analysis. It further increases the number of simultaneous users of the service provider computer 102. The analyze process is performed by the system analyzer 907 module of the client application 104.

In this embodiment then, the client computer 101 stores a local copy of the method table 801 and the product locator table 803 and uses these local copies to perform the analysis. *Cheng, Col. 17 line 1-21.*

Thus, Cheng in fact teaches away from the method as recited in claim 1. It is apparent, upon review of the above excerpted portions from Cheng, that Cheng is directed to techniques for updating installed software and analysis which is performed by a client application at the client. For at least these reasons, Cheng fails to disclose, teach, or suggest all the recited features of claim 1, and withdrawal of the §102 rejection is respectfully requested.

Claims 2-12 depend from claim 1 and are allowable based on this dependency as well as for their own recited features which the references of record fail to disclose teach or suggest. Accordingly withdrawal of the §102 rejection of claims 2-12 is respectfully requested.

For example, **Claim 2** as amended recites: A method according to claim 1, wherein the computing system is provided to the user without the authorized resources being preinstalled. While Cheng does describe updates to installed products, Cheng is silent on a computer which is "provided to the user without the

1 authorized resources being preinstalled". Accordingly claim 2 is allowable for this
2 additional reason.

3
4 **Claim 13** recites a server comprising:

- 5 • a storage device to maintain a profile of personal resources specifying, for
6 each of a plurality of computing systems, which resources are authorized
7 for the computing system; and
- 8 • a configuration agent, coupled to the storage device, to:
 - 9 ▪ receive an identifier associated with a computing system
10 and/or computing system user;
 - 11 ▪ generate an assessment of the current resources of the
12 computing system;
 - 13 ▪ identify, by comparing the assessment with the authorized
14 resources, one or more of the authorized resources which are
15 missing from a computing system ; and
 - 16 ▪ automatically configure resources of the computing system to
17 include the identified resources.

18 Claim 13 is allowable for reasons described with respect to claim 1. For
19 instance, Cheng fails to disclose, teach, or suggest at least "a server comprising a
20 configuration agent ...to...receive...generate....identify...configure" as recited in
21 claim 13. Again, Cheng limits itself explicitly to a client side analysis and goes as
22 far as to disparage performing this analysis via a network, e.g., Cheng teaches
23 away from a service provider or server performing the analysis. As noted above,
24 Cheng describes "In the preferred embodiment, the analysis 204 is preferably
25 performed by the client application 104 on the client computer 101".
Accordingly, Cheng is not directed at the subject matter claimed in claim 13.
Further, Cheng describes software updates to existing/installed resources and thus
does not provide a basis for "identify, by comparing the assessment with the
authorized resources, one or more of the authorized resources which are missing
from a computing system" as also recited in claim 13. For at least these reasons,

1 claim 13 is not anticipated by Cheng and withdrawal of the §102 rejection is
2 respectfully requested.

3 **Claims 14-20** depend from claim 13 and are allowable based on this
4 dependency as well as for their own recited features which the references of record
5 fail to disclose teach or suggest. Accordingly withdrawal of the §102 rejection of
6 claims 14-20 is respectfully requested.

7
8 **Claim 21** has been amended and as amended (portions of the amendment
9 appear in bold italics) recites a storage medium comprising a plurality of
10 executable instructions including at least a subset of which that, when executed,
11 implement a configuration agent *at a server* to:

- 12 • maintain, for each of a plurality of computing systems, data specifying
authorized resources for the computing system;
- 13 • conduct an assessment of computing system resources upon receipt of an
14 identifier associated with the computing system and/or computing system
user;
- 15 • identify, by comparing the assessment with corresponding data specifying
authorized resources, one or more of the authorized resources which are
16 missing from the computing system; and
- 17 • automatically download and install on the computing system the missing
authorized resources.

18 Claim 21 has been amended to clarify that the recited configuration agent is “at
19 a server” to distinguish over the client-based techniques of Cheng. Support for
20 this amendment may be found throughout the specification and drawings as filed
21 one example of which is configuration agent 14 on server 12 as depicted in FIG.1.

22 Claim 21 is allowable for reasons described with respect to claim 1. For
23 instance, Cheng fails to disclose, teach, or suggest at least “a configuration agent
24 at a server”, “maintain, for each of a plurality of computing systems, data
25 specifying authorized resources for the computing system”, “conduct an

1 assessment of computing system resources upon receipt of an identifier associated
2 with the computing system and/or computing system user” or “identify, by
3 comparing the assessment with corresponding data specifying authorized
4 resources, one or more of the authorized resources which are missing from the
5 computing system” as recited in claim 21. Again, Cheng limits itself explicitly to a
6 client side analysis and disparages performing these techniques via a network such
7 as being performed by the service provider or server. Even assuming for the sake
8 of argument alone that the client application of Cheng may be equated to the
9 recited configuration agent, the client application performs functions at the client
10 and not at the service provider or via the network. As noted above, Cheng
11 describes “In the preferred embodiment, the analysis 204 is preferably performed
12 by the client application 104 on the client computer 101”. For at least these
13 reasons, claim 21 is not anticipated by Cheng and withdrawal of the §102 rejection
14 is respectfully requested.

15 **Claims 22-25** depend from claim 21 and are allowable based on this
16 dependency as well as for their own recited features which the references of record
17 fail to disclose teach or suggest. Accordingly withdrawal of the §102 rejection of
18 claims 22-25 is respectfully requested.

19
20 **Claim 26** recites a computing system comprising:

- 21 • a storage device having stored thereon a plurality of executable instructions;
- 22 • a network interface, communicatively coupling the computing system to a network; and
- 23 • a controller, coupled to the storage device and the network interface, to execute at least a subset of the plurality of executable instructions to make
24 an assessment of current hardware and/or software resources of the
25 computing system, and to implement a basic input/output system (BIOS) to

1 issue a configuration request to the network via the network interface, the
2 configuration request based on the assessment and including an identifier
3 associated with the computing system, wherein the configuration request is
4 configured to cause a recipient of the request to:

- 5 ▪ reference the identifier to access corresponding data
6 specifying authorized resources associated by the identifier
7 with the computing system;
- 8 ▪ compare the assessment to the authorized resources to
9 determine one or more of the authorized resources missing
10 from the computing system; and
- 11 ▪ provide the missing authorized resources to the computing
12 system via the network.

13
14
15
16
17
18
19
20
21
22
23
24
25
Claim 26 is allowable for reasons described with respect to claim 1. For
instance, Cheng fails to disclose, teach, or suggest at least “wherein the
configuration request is configured to cause a recipient of the request to: reference
the identifier to access corresponding data specifying authorized resources
associated by the identifier with the computing system”, “compare the assessment
to the authorized resources to determine one or more of the authorized resources
missing from the computing system” and “provide the missing authorized
resources to the computing system via the network” as recited in claim 26. Again,
Cheng limits itself explicitly to a client side analysis and in fact disparages
performing these techniques via a network, e.g., at the service provider or server.
However, claim 26 recites providing “a configuration request” which causes a
recipient of the request to “reference the identifier to access corresponding data
specifying authorized resources associated by the identifier with the computing
system; compare the assessment to the authorized resources to determine one or
more of the authorized resources missing from the computing system; and provide
the missing authorized resources to the computing system via the network”.
Cheng lacks these aspects recited in claim 26. Cheng does not even mention at

1 least a "configuration request" and "a recipient of the request". Even assuming
2 arguendo that the client application of Cheng may be construed as a configuration
3 agent, the client application of Cheng performs functions at the client and not at
4 the service provider or via the network. Further, the functions performed by the
5 client application in Cheng are not performed responsive to a configuration
6 request issued to the network.

7 As noted above, Cheng describe "In the preferred embodiment, the analysis
8 204 is preferably performed by the client application 104 on the client computer
9 101". Further, Cheng describes software updates to existing/installed resources
10 and thus does not provide a basis for "compare the assessment to the authorized
11 resources to determine one or more of the authorized resources missing from the
12 computing system" as also recited in claim 26. Accordingly, Cheng is not directed
13 at the subject matter claimed in claim 26. For at least these reasons, claim 26 is
14 not anticipated by Cheng and withdrawal of the §102 rejection is respectfully
15 requested.

16 **Claims 27-31** depend from claim 26 and are allowable based on this
17 dependency as well as for their own recited features which the references of record
18 fail to disclose teach or suggest. Accordingly withdrawal of the §102 rejection of
19 claims 27-31 is respectfully requested.

20 **Claim 32** as amended (portions of the amendment appear in bold italics)
21 recites a method comprising:

- 22 • issuing a configuration request from a computing system, wherein the
23 configuration request includes an identifier associated with the computing
24 system and/or computing system user and is configured to cause a recipient
25 of the request to:
 - generate an assessment of the current computing system
resources of the computing system;

- reference the identifier to access data specifying authorized computing system resources associated by the identifier with the computing system; and
 - compare the assessment to the authorized computing system resources to determine one or more of the authorized computing system resources missing from the computing system; and
- receiving a response to the configuration request at the computing system, the response including the one or more computing system resources missing from the computing system, wherein the one or more computing system resources are automatically installed and configured on the computing system.

Claim 32 is allowable for reasons described with respect to claim 1. For instance Cheng fails to disclose, teach, or suggest at least “issue a configuration request”, “generate an assessment of the current computing system resources of the computing system”, “reference the identifier to access data specifying authorized computing system resources associated by the identifier with the computing system” and “compare the assessment to the authorized computing system resources to determine one or more of the authorized computing system resources missing from the computing system” as recited in claim 32.

Again, Cheng limits itself explicitly to a client side analysis and in fact disparages performing these techniques via a network, e.g., at the service provider or server. However, claim 26 recites providing “issuing a configuration request” which causes a recipient of the request to: “generate an assessment of the current computing system resources of the computing system; reference the identifier to access data specifying authorized computing system resources associated by the identifier with the computing system; and compare the assessment to the authorized computing system resources to determine one or more of the authorized computing system resources missing from the computing system”. Cheng lacks

1 these aspects recited in claim 32. Cheng does not mention at least a
2 "configuration request" and "a recipient of the request". Even assuming arguendo
3 that the client application of Cheng may be construed as a configuration agent, the
4 client application of Cheng performs functions at the client and not on the service
5 provider or via the network. Further, these functions in Cheng are not performed
6 responsive to a configuration request issued to the network.

7 As noted above, Cheng describe "In the preferred embodiment, the analysis
8 204 is preferably performed by the client application 104 on the client computer
9 101". Further, Cheng describes software updates to existing/installed resources
10 and thus does not provide a basis for "compare the assessment to the authorized
11 resources to determine one or more of the authorized resources missing from the
12 computing system" as also recited in claim 32. Accordingly, Cheng is not directed
13 at the subject matter claimed in claim 32. For at least these reasons, claim 32 is
14 not anticipated by Cheng and withdrawal of the §102 rejection is respectfully
15 requested.

16 **Claims 33-36** depend from claim 31 and are allowable based on this
17 dependency as well as for their own recited features which the references of record
18 fail to disclose, teach, or suggest. Accordingly withdrawal of the §102 rejection of
19 claims 33-36 is respectfully requested.

20 **Conclusion**

21 For the forgoing reasons, all pending claims 1-36 are in condition for
22 allowance. Applicant respectfully requests reconsideration and issuance of the
23 present application. Should any issue remain that prevents immediate issuance of
24
25

1 the application, the Examiner is encouraged to contact the undersigned attorney to
2 discuss the unresolved issue.

3
4 Respectfully Submitted,

5
6 Dated: 1/12/07

7 By: 

8 Daniel T. McGinnity
9 Reg. No. 55,444
10 Attorney for Applicant

11 LEE & HAYES PLLC
12 421 W. Riverside Ave., Suite 500
13 Spokane, Washington 99201
14 Telephone: 509-324-9256 x259
15 Facsimile: (509) 323-8979
16
17
18
19
20
21
22
23
24
25